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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,232	02/06/2004	Wu Qing	9896-000022	8166

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EXAMINER

SHAW, PELING ANDY

ART UNIT	PAPER NUMBER
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2444

MAIL DATE	DELIVERY MODE
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06/09/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/774,232	Applicant(s) QING ET AL.	
	Examiner PELING A. SHAW	Art Unit 2444	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 25 May 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: None.
 Claim(s) objected to: None.
 Claim(s) rejected: 1,2,4,6-13 and 15.
 Claim(s) withdrawn from consideration: None.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
 13. ☐ Other: _____.

/Peling A Shaw/
 Examiner, Art Unit 2444

Continuation of 11. does NOT place the application in condition for allowance because: Applicant has argued that Chen does not teach or suggest the limitation of "the service entity sending a resource request to an edge router to request resources" (see 3rd paragraph on page 9 through 2nd paragraph on page 10 of current amendment). Chen is quoted to disclose the limitation with paragraph 91 and 95-96 as signaling SETUP message to edge ATM switch to determine the requested service is available, with paragraph 35 as connection server determining bandwidth available in ATU-Rs and DSLAMs, with paragraph 56 as connection server ensuring and granting bandwidth. Applicant is not specific about whether a service entity is not presented as ATU-R or as a network service agent of Chen. As Chen does show signaling with SETUP message through the ATU-R to edge ATM switch, Chen does show as well known and illustrated by applicant's Fig. 1 with standard based DSLMA, subscriber access, i.e. ATU-R and Edge router, i.e. edge ATM switch service arrangement. It is Examiner's position that Chen's has taught or suggested the argued limitation.

Applicant has argued that Chen does not teach or suggest the limitation of "if there is an upward traffic stream sent from one of the calling subscriber and the called subscriber to the corresponding IP access network for this service, the corresponding edge router informing the corresponding access network end device of the QoS requirement for the service" (see 3rd paragraph on page 10 through 3rd paragraph on page 12 of current amendment). Chen is quoted with paragraphs 94-95 to signal including QoS requirements, SETUP message to ATM edge switch and the QoS application send a QoS connection setup message through an API to the ATU-R, with paragraph 97 ATM switch determining if can satisfy the requirement of connection based on traffic descriptor, with paragraph 98 indicating initiation of the request connection at the QoS requirements and VPI/VCI used, and with paragraphs 99-101 receiving QoS and SETUP message from ATM edge switch to ATU-R via API. Chen has taught or suggested the argued limitation. Similar argument and response was addressed as per item 'c' of Response to Argument in Office Action mailed on 05/01/2008.

Applicant argues that Chen does not teach or suggest the limitation of "performing bandwidth limitation according to bandwidth parameters in the QoS requirement informed by the corresponding edge router for the upward traffic stream when matched with the items of the stream classification table" (see 4th paragraph on page 12 through 2nd paragraph on page 14 of current amendment). This is similar to applicant's argument per Amendment received on 12/28/2009 and is addressed as per item 'c' of Response to Arguments in Office Action mailed on 03/25/2010.

Applicant argues that Chen does not teach or suggest the limitation of "the edge router notifying the service entity that there are enough resources; and the edge router receiving confirmation information from the service entity" (see 3rd paragraph on page 14 through 3rd paragraph on page 16 of current amendment). This is addressed as in item 'd' of Response to Argument in Office Action mailed on 09/29/2009 as CALL-PROCEED is a well known Broadband-ISDN signaling for SVC connection establishment confirmation for requested call service connection.